

**UNITED STATES BANKRUPTCY COURT**  
**FOR THE WESTERN DISTRICT OF MICHIGAN**

In Re: RICHARD HERNANDEZ  
BOBBIE HERNANDEZ

Case No.: 19-00524  
Chapter 13  
Hon.  
Filed: February 13, 2019

Debtor(s)

## CHAPTER 13 PLAN

- ☐ Original Chapter 13 Plan ☒ Amendment no.: 3 (☒ pre-confirmation ( ) post-confirmation \_\_\_\_\_.
- ☐ Check this box if this plan deviates in any way from the model plan. Specify the deviations in Section IV. P.

NOW COME(S) RICHARD HERNANDEZ BOBBIE HERNANDEZ the Debtor(s) by and through their attorney, David W. Garrett & Associates, P.C., and modify the Chapter 13 plan as authorized by 11 U.S.C. §1323. This case was filed on February 13, 2019. The plan has not yet been confirmed. This case has never been converted, dismissed, or reinstated. The Debtors modify the plan as follows:

### 2. Personal Property:

- a. **Pre-Confirmation Adequate Protections Payments (APP):** If the Trustee is to pay pre-confirmation APP the secured creditor's name, address, the account number and the payment amount must be provided and it must be signified by entering the monthly payment amount in the box marked "Pre-Conf. APP" under b. or c. of this paragraph. The Trustee will not disburse an APP until a proof of claim is filed with documentation of a perfected lien satisfactory to the Trustee.
- b. **Secured Claims Subject to Final Paragraph of 11 U.S.C. § 1325(a):** Each secured creditor in this class has a lien that is not subject to 11 U.S.C. § 506.<sup>1</sup> Claims in this class shall be paid as follows plus an additional pro-rata amount that may be available from funds on hand at an interest rate specified below or the contract rate specified in the proof of claim, whichever is lower.

Creditor, Address & Account No.	Collateral	Balance Owng	Interest Rate	Pre-Conf. APP	Equal Monthly Payment

- c. **Secured Claims Subject to 11 U.S.C. § 506<sup>2</sup>:** Claims in this class shall be paid as follows plus an additional pro-rata amount that may be available from funds on hand at an interest rate specified below or the contract rate specified in the proof of claim whichever is lower. Creditor will be paid the fair market value (FMV) as a secured claim and any balance due as a general unsecured claim.

<sup>1</sup> Such a claim is not subject to "cramdown" and will be paid the full balance owing. If the collateral is a motor vehicle and is destroyed, the Debtor(s), with consent from the secured creditor and Trustee, or by order of the Court, may use the collateral insurance proceeds to purchase replacement collateral, to which the creditor's lien shall attach.

<sup>2</sup> If the collateral is a motor vehicle and is destroyed, the Debtor(s), with consent from the secured creditor and Trustee or by order of the Court, may use the collateral insurance proceeds to purchase replacement collateral, to which the creditor's lien shall attach.

Creditor, Address & Account No. <sup>iii</sup>	Collateral	FMV	Interest Rate	Pre-Conf. APP	Equal Monthly Payment
Credit Union ONE Attn: Bankruptcy 400 East Nine Mile Road Ferndale MI 48220-0000	Acct#: 3007978200 Opened 10/15 Last Active 12/04/18 Market: 7,000.00 Claim: 9,910.00 Unsecured: 2,910.00 2008 Jeep Wrangler	9910.00	Contract or 5% whichever is lower	350	225

In all other respects, the Chapter 13 plan remains the same.

Date: 5/15/2019

Richard Hernandez

RICHARD HERNANDEZ, Debtor

Date: 5-15-19

Bobbie Hernandez

BOBBIE HERNANDEZ, Debtor

Date:

DAVID W. GARRETT

DAVID W. GARRETT, Counsel for the Debtor

<sup>iii</sup> If the creditor files a proof of claim with a balance owing which is different from the amount listed above, the proof of claim shall control as to the amount of the debt, unless a party in interest objects to the proof of claim.